Crown Employees Grievance Settlement Board

ANNUAL REPORT

2009-2010

MESSAGE FROM THE CHAIR

Over the past fiscal year the Board has continued to provide dispute resolution services to the parties that it serves, continuing its tradition of resolving the vast majority of the disputes put before it through mediation. We welcomed two new Vice Chairs, Sherry Liang and Brian Sheehan.

A highlight of the past fiscal year was a conference held on February 25, 2010, on the topic of diversity. Attendees included representatives of our parties, their counsel, and Vice Chairs. Speakers included academics, labour relations counsel, and Vice Chairs of the Board. The purpose of the conference was to engage the parties in discussions of best practices and emerging trends, in order to facilitate the creation of the best possible environment for dispute resolution in the relationships that we serve. The conference was filled to capacity and very positively reviewed by attendees. Once again the GSB staff took on the organization of this event and their hard work was reflected in the superb organization and smooth functioning of all aspects of this event.

The Board continued to work closely with its Governance Council, composed of representatives of Crown employers and bargaining agents, to provide effective and efficient delivery of dispute resolution services. The Board continued to strive to provide the best possible services to its parties, and thereby, to the people of Ontario.

Susan L. Stewart, Chair
June 2010

TABLE OF CONTENTS

1. GSB MANDATE 4

2. HUMAN RESOURCES 5

3. OVERVIEW OF ACTIVITIES 13

APPENDIX A - OUTCOME PERFORMANCE MEASURE 15

APPENDIX B - BUDGET 17

4. GOVERNANCE COUNCIL 18

5. PARTNERSHIP AGREEMENT 19

6. FRAMEWORK FOR THE APPOINTMENT AND RE-APPOINTMENT OF VICE CHAIRS 22

1. GSB MANDATE

The Grievance Settlement Board (the "Board") was established by section 20 of the *Crown Employees Collective Bargaining Act, 1972, S.O. 1972, c.67* and is continued by section 46 of the *Crown Employees Collective Bargaining Act, 1993, S.O. 1993, c.3 8*, as amended by S.O. 1995, c. I (CECBA).

The Board exercises the powers and performs the duties conferred upon it by the CECBA. Subsection *7(3)* of the CECBA provides that:

> **7.** (3) Every collective agreement relating to Crown employees shall be deemed to provide for the final and binding settlement by arbitration by the Grievance Settlement Board, without stoppage of work, of all differences between the parties arising from the interpretation, application, administration or alleged violation of the agreement including any question as to whether a matter is arbitrable. 1993, c.38, s.7 (3).

The Crown Employees' Grievance Settlement Board (GSB) is funded as a budget item of the Ministry of Labour. All costs directly related to dispute resolution are allocated to the parties and are recovered from them. The GSB staff provides services to the Public Service Grievance Board (PSGB). The PSGB adjudicates grievances filed by management/excluded Crown employees under Part V of Regulation 977 to the *Public Service Act*. Expenditures made on behalf of the PSGB are recovered and refunded to the GSB.

The Chair of the Grievance Settlement Board is a part-time position appointed by Order-in-Council. The Registrar of the GSB is the most senior full-time civil servant at the GSB and reports to the Chair. The Registrar is directly responsible for all administrative matters. The Chair and the Registrar are jointly responsible for policy matters.

The GSB has entered into partnership agreements with its client group to fully implement the requirements of the *Crown Employees Collective Bargaining Act*. The partnership agreement provides for a Governance Council (see page 19). As a result of the partnership agreement, some of the governance is determined by decisions made and minuted at the Governance Committee meetings, resulting in accountability to the client group with respect to some GSB administration and policy issues.

The Grievance Settlement Board is an adjudicative agency and is viewed by its clientele to have independence and neutrality. The GSB's independence is preserved by its physical location, separate from government agencies other than the PSGB and by virtue of the fact that the GSB uses adjudicators who are prominent and well respected in the private sector labour relations community.

The obligation of the Board is to provide dispute resolution services and work with the parties to improve labour relations within the Ontario Public Service. The Board provides timely, concise decisions resulting in consistent advice and guidance to the parties in the settlement of specific disputes.

2. HUMAN RESOURCES

LIST OF APPOINTEES – GRIEVANCE SETTLEMENT BOARD

Name	OIC Appointment	Date of Initial Appointment	Expiry Date of Current Appointment
Susan Stewart	Chair	15-Mar-01	14-Mar-12
Randi Abramsky	Vice-Chair	09-Jul-96	31-Mar-12
Jules Bloch	Vice-Chair	01-Sep-99	31-Aug-12
Felicity Briggs	Vice-Chair	16-Feb-94	31-Mar-12
Richard Brown	Vice-Chair	18-Jun-97	31-Mar-12
Joseph D. Carrier	Vice-Chair	06-May-99	05-May-12
Reva Devins	Vice-Chair	28-Apr-04	27-Apr-12
Nimal V. Dissanayake	Vice-Chair	10-Dec-87	30-Jun-12
Barry Fisher	Vice-Chair	06-May-87	31-Mar-12
Owen V. Gray	Vice-Chair	23-Oct-91	31-Mar-12
Daniel A. Harris	Vice-Chair	16-Dec-98	15-Dec-10
Bram Herlich	Vice-Chair	16-Dec-98	15-Dec-10
Ian A. Hunter	Vice-Chair	16-Dec-98	15-Dec-10
Richard L. Jackson	Vice-Chair	16-Dec-98	15-Dec-10
Janice D. Johnston	Vice-Chair	01-Sep-99	31-Aug-12
Brian Keller	Vice-Chair	19-Mar-03	18-Mar-11
Belinda Kirkwood	Vice-Chair	14-Jan-87	21-Apr-12
Gerry Lee	Vice-Chair	06-May-99	05-May-12
Deborah Leighton	Vice-Chair	09-Jul-96	21-Apr-12
Michael Lynk	Vice- Chair	06-Dec-06	05-Dec-10
Loretta Mikus	Vice-Chair	16-Feb-94	31-Mar-12
Marilyn A. Nairn	Vice-Chair	31-Oct-01	30-Oct-11
Kenneth Petryshen	Vice-Chair	11-Jun-97	31-Mar-12
Stephen Raymond	Vice-Chair	06-Dec-06	05-Dec-10
Maureen Saltman	Vice-Chair	01-May-80	31-Mar-12
Brian Sheehan	Vice-Chair	10-Mar-10	09-Mar-12
Barry Stephens	Vice-Chair	28-Apr-04	27-Apr-12
Mary Lou Tims	Vice-Chair	06-Oct-99	05-Oct-10
Michael V. Watters	Vice-Chair	29-Jul-87	30-Jun-12

ORDER IN COUNCIL APPOINTMENTS

CHAIR

SUSAN STEWART

Susan L. Stewart attended law school at Queen's University and was called to the bar in 1981. She commenced her arbitration and mediation practice in 1988. In 1989 she was appointed as a Vice-Chair of the Crown Employees Grievance Settlement Board, and in 2001 was appointed as the Chair. She serves as a permanent arbitrator under a number of Collective Agreements in both provincial and federal jurisdictions. Susan is a member of the National Academy of Arbitrators, is a former Chair of the Labour Section of the Ontario Bar Association and has served as a member of the executive of the Ontario Labour Management Arbitrators' Association.

VICE CHAIRS

RANDI ABRAMSKY

Randi Abramsky is a full-time Arbitrator and Mediator. She initially served as a Grievance Settlement Officer with the GSB (1992-1996) and then became a Vice-Chair in 1996. She also served as a Labour Relations Officer and Vice-Chair with the Ontario Public Service Labour Relations Tribunal and the Boards of Inquiry. Ms Abramsky also engages in private sector arbitrations and mediations, has taught labour law related courses and written in the field.

JULES B. BLOCH

Jules B. Bloch is an experienced, bilingual, mediator, arbitrator, facilitator, fact-finder, lecturer and trainer. After his call, he practiced law primarily in the field of labour and employment law. In 1991 he was appointed full time Vice-Chair of the Ontario Labour Relations Board (OLRB) (November 7, 1991 to September 1, 1999). Presently, he is a Vice-Chair of the Grievance Settlement Board. Mr. Bloch is a roster mediator, Ontario Mandatory Mediation Program Toronto/Ottawa. Mr. Bloch is a co-author of Canadian Construction Labour and Employment Law (Butterworths: 1996).

FELICITY BRIGGS

After receiving her nursing education Felicity Briggs worked as a Registered Nurse in a Toronto hospital for six years. She worked for the next twelve years for the Ontario Nurses' Association holding a variety of positions including negotiator, arbitration officer and Manager of the Arbitration Department. After two years acting as a consultant for trade unions she enrolled in the Arbitrator Development Program which she completed in 1991. Since being added to the Minister of Labour's List of Arbitrators she has acted as Mediator and Chair of both Rights and Interest Boards of Arbitration. Felicity was also appointed as a Vice Chair of the Grievance Settlement Board in 1994.

RICHARD BROWN

Richard Brown (LL.B. Queen's; LL.M. Harvard) has taught labour law at universities in Canada and abroad. He was a member of the Labour Law Casebook Group for many years and has written numerous articles on arbitration, human rights and occupational health and safety. Richard began arbitrating in the late seventies and has practiced as a full-time arbitrator and mediator since the early nineties. He is a director of the Ontario Labour Management Arbitrators' Association and a member of the National Academy of Arbitrators. He is a named arbitrator in several collective agreements and many of his awards have been published in the Labour Arbitration Cases and Labour Arbitration Xpress

JOSEPH D. CARRIER

Joseph (Joe) Carrier has been engaged as a full-time mediator/arbitrator since 1991. After graduating from Queen's Law School in 1969, he practiced corporate and commercial law for several years before joining Mathews Dinsdale & Clark, a management side law firm. After a brief interlude during which he was engaged in real estate development, he re-entered the labour field in 1991 as a mediator/arbitrator. He enjoys a consensual practice as well as assignments from the Labour Ministries of both Federal and Provincial Governments.

REVA DEVINS

Reva Devins is a full time arbitrator and mediator. She is a Vice Chair of the Grievance Settlement Board and is the Associate Chair under the 1986-90 Hepatitis C Class Action Settlement. She has also been appointed as a mediator/arbitrator under the Walkerton Compensation Plan, the UCC Claims Resolution Plan and was a member of the Canadian Human Rights Tribunal (1995-2005). Ms. Devins was called to the Bar of Ontario in 1985 and holds degrees from York University (B.A), Osgoode Hall Law School (LL.B.) and Harvard Law School (LL.M.).

NIMAL V. DISSANAYAKE

A Vice-Chair of the Grievance Settlement Board since 1987, Nimal Dissanayake is a lawyer and a former professor of Industrial Relations at McMaster University. He has also served as Senior Solicitor and Vice-Chair (part-time) of the Ontario Labour Relations Board. Since 1987 he has practiced full-time as arbitrator/adjudicator in relation to labour and employment disputes.

BARRY FISHER

B.A., University of Toronto; LL.B., Osgoode Hall Law School, called to the Bar, 1979. Member of Ontario Management Labour Arbitrators Association, a labour arbitrator since 1988 and Vice-Chair, Grievance Settlement Board. An arbitrator under Police Services Act, Hospital Labour Disputes Arbitration Act, and Canada Labour Code. Trained as a mediator at the Academy of Mediation in Toronto, Harvard Law School and ADR Associates in Washington, D.C. Has mediated employment / labour disputes involving wrongful dismissal actions, sexual harassment, collective agreement interpretation, human rights issues, shareholders disputes arising from employment and the negotiation of collective bargaining agreements. Has authored numerous articles on wrongful dismissal, mediation practice and labour arbitration. He created the Wrongful Dismissal Database, containing over 2500 cases, utilized by lawyers/judges/human resources professionals across Canada.

OWEN GRAY

Owen V. Gray has the following degrees: Honours B.Sc. (Queen's University, 1971), LL.B. (University of Toronto, 1974), LL.M. (Alternative Dispute Resolution) (Osgoode Hall Law School 1998). He was called to the Ontario Bar in 1976. Since 1990 he has been a self-employed, full-time arbitrator, arbitrator-mediator and mediator in labour, employment and related disputes, including disputes under collective agreements in the public and private sectors, interest disputes, and wrongful dismissal disputes diverted by the parties from the courts to arbitration or mediation. He has been a Vice Chair of the Ontario Crown Employees Grievance Settlement Board (part-time) since 1991. He was previously Vice Chair, Ontario Labour Relations Board (1983-1990 full-time, 1990-1993 part-time) and Employment Standards Referee (1990-1992, ad hoc). He practiced law from April 1976 to October 1983 with a Toronto law firm (McTaggart, Potts, Stone & Herridge), advising clients about and representing them in commercial, corporate, construction, land use, employment, labour relations, family and other disputes before courts and administrative tribunals. He is currently a member of the Ontario Labour-Management Arbitrators' Association, the Arbitration and Mediation Institute of Ontario, the Law Society of Upper Canada, and the Canadian Bar Association

DANIEL A. HARRIS

Mr. Harris is a graduate of York University (1978) and Osgoode Hall Law School (1981). Upon being called to the Bar of Ontario in 1983, he served a one-year appointment as a Law Clerk to the Chief Justice of the High Court of Justice, Province of Ontario. He then practiced labour law until 1991, when he was appointed to the Minister's List of Arbitrators in Ontario. Since then he has worked as a labour arbitrator and mediator in both rights and interest matters in all sectors, public and private. He serves as an arbitrator on numerous collective agreement panels. He has been a Vice-Chair with the Grievance Settlement Board since 1998, and previously held appointments with the Workers' Compensation Appeals Tribunal and Office of Adjudication.

BRAM HERLICH

Bram Herlich has B.A (1972) and M.A (1977) degrees from McGill University (English and Communications). After several years as a CEGEP professor and union representative in Montreal, he enrolled in law school and graduated from Osgoode Hall in 1982. After graduation, held a number of positions including Arbitration Officer with the Ontario Nurses' Association and Associate with the firm Cavalluzzo, Hayes and Lennon. He has been an adjudicator since 1989 when he was appointed Vice-Chair of the Ontario Labour Relations Board. Appointed in 1996 as a Referee/Adjudicator under the Employment Standards Act and an Adjudicator under the Occupational Health and Safety Act. Appointed Vice-Chair of the Grievance Settlement Board in 1998 and is currently hearing and mediating cases at the GSB and at private arbitration.

IAN HUNTER

Ian Hunter holds degrees in political science (1966) and law (1969) from the University of Toronto. He has taught at several Canadian Universities and been a Visiting Scholar at Wolfson College, Cambridge. From 1974 to 1996 he was Professor of Law at the University of Western Ontario where, in 1983, he was awarded the gold medal for teaching excellence. Professor Emeritus since 1996, he is President of Hunter Arbitration Services. Since 1974, Professor Hunter has acted as mediator or arbitrator in more than four thousand cases. He is the author of seven books and more than fifty law review articles.

RICHARD L. JACKSON

Professor Jackson teaches negotiation and industrial relations at the Queen's School of Business. He acts as an arbitrator and mediator in labour disputes under the Labour Relations Act and Police Services Act and has been a Vice-Chair of the Grievance Settlement Board since 1998; he was also a member of the Public Service Grievance Board from 1982 to 1987. His publications include "Fact Finding Under The School Boards and Teachers Collective Negotiations Act", "Conflict and Co-operation in Police Labour Relations", chapters on labour law in the fourth and fifth editions of *Union-Management Relations in Canada* (Gunderson, Ponak and Taras, eds.), and contributions to *Canadian Labour Relations: Readings and Cases*, *Labour Arbitration Yearbook*, *Public Sector Collective Bargaining in Canada*, and the *Canadian Police College Journal*.

JANICE JOHNSTON

Ms. Johnston graduated from Wilfred Laurier University with a B. A. in history and received her law degree from the University of Western Ontario. She was called to the Bar in 1981. She worked in the public and private sector as labour relations counsel before joining the Ontario Labour Relations Board as a Vice-Chair in 1990. In 1999 she left the OLRB to pursue her career as a mediator/arbitrator. She is currently a part-time Vice-Chair of the Grievance Settlement Board. Ms. Johnston is a member of the Ontario Labour-Management Arbitrators' Association, the Toronto Area Industrial Relations Association and the Canadian Bar Association.

BRIAN KELLER

Brian Keller graduated from Sir George Williams University with a B.A. in Political Science and received his law degree from the University of Ottawa. He was called to the Bar in 1972. Mr. Keller is a bilingual adjudicator and mediator. He served as a Vice-Chair of the Grievance Settlement Board in 1994 - 1998 and was most recently re-appointed to the Board in March 2003.

BELINDA KIRKWOOD

Belinda Kirkwood has worked in the labour field since 1979. She articled at Hicks Morley Hamilton Stewart Storie, and worked for the Education Relations Commission as a fact-finder and mediator. She was appointed to the list of provincially approved Arbitrators in 1985 and has continued to work as an arbitrator and mediator of both interest and rights disputes in the private and public sectors. She has sat as a Vice-Chair on the Grievance Settlement Board since 1987, on the Public Service Grievance Board, Classification Committee in 1992, and the Ontario Police Arbitration commission since 1991. She combined civil litigation and neutral labour work as a partner at Shalgbaum Rabinovitch and Kirkwood, and as an associate and partner at Lang Michener.

GERRY LEE

Gerry Lee is a well-respected dispute resolution professional working in both the public and private sectors. His background in labour relations extends over 20 years, including 10 years as a mediator with the Ontario Ministry of Labour. He is recognized by employers, unions and the legal community as a skillful, pragmatic and creative third party specializing in grievance mediation. Gerry has successfully undertaken numerous grievance mediation projects with major employers and their unions and has extensive experience dealing with issues such as termination of employment, harassment, pay equity/job evaluation and health & safety.

DEBORAH LEIGHTON

Deborah J.D. Leighton, B.A. (Law, Oxford), L.L.M, J.D., is an Adjunct Professor in the School of Policy Studies at Queen's University. There she teaches courses in labour and employment law, human rights, arbitration and mediation. Her private practice includes mediations and arbitrations of commercial and labour disputes. Ms. Leighton is on numerous collective agreements, including Air Canada and ACPA, AGO and OPSEU. She is also a Vice-Chair of the Public Service Grievance Board, and has served as an adjudicator for the Ontario Human Rights Tribunal (1992-8). Ms. Leighton is a member of the Florida Bar and the Law Society of Upper Canada.

MICHAEL LYNK

Michael Lynk is an associate professor with the Faculty of Law, the University of Western Ontario, where he teaches labour and human rights law. Prior to becoming a professor, he practised labour law in Toronto and Ottawa for a decade. Mr. Lynk is also an active labour arbitrator, and has served as a vice-chair with the Ontario Public Service Grievance Board (1995-1999) before joining the Ontario Grievance Settlement Board in 2007. He has written widely on the issues of labour law and human rights in the unionized Canadian workplace, and is a frequent speaker at industrial relations and labour law conferences across the country.

LORETTA MIKUS

Loretta Mikus worked as a Registered Nurse from 1966 to 1974 when she returned to school to get her law degree. She was called to the bar in 1986 and worked as an Arbitration Officer at the Ontario Nurses' Association until 1989, when she became the Assistant Director of Arbitration Services. In 1991 she was appointed as a Grievance Settlement Officer at the Grievance Settlement Board, and since then has been appointed as a Vice-Chair at the Grievance Settlement Board, acted as Chair on interest and rights arbitration boards, acted as a part-time adjudicator for Boards of Inquiry under the Ontario Human Rights Code and acted as part-time adjudicator at the Office of Adjudicator under the Employment Standards Act.

MARILYN NAIRN

Originally from Winnipeg, Marilyn Nairn is a graduate of the University of Ottawa Law School and was called to the Ontario bar in 1982. She practiced labour law in Toronto until 1987 when she accepted the position of counsel to the Ontario Labour Relations Board. In 1989 Ms. Nairn was appointed a Vice-Chair of the OLRB, where she served for three terms, following which, she expanded her successful practice as labour arbitrator and mediator. Ms. Nairn is a member of the National Academy of Arbitrators and the Ontario Labour-Management Arbitrators' Association and has held various positions on the executive of the Labour Section of the Ontario Bar Association. She has completed an advanced mediation course at Osgoode Hall Law School, has taught at both the college and university levels in the area of labour law, and has appeared as a speaker on various panels and at conferences in the areas of labour law and human rights. She was appointed to the Grievance Settlement Board on October 31, 2001.

KENNETH PETRYSHEN

Ken obtained an undergraduate degree from the University of Saskatchewan in 1972. In 1976, Ken obtained a law degree from Queen's University, where he was awarded the prize in Labour Relations in the Public Sector. He was called to the Bar in 1978 and practiced labour and administrative law until 1985, when he became solicitor of the Ontario Labour Relations Board. He served as a full-time Vice Chair of the OLRB between 1986 and 1994, when he became a part-time Vice Chair and commenced his arbitration and mediation practice. Ken was first appointed to the Grievance Settlement Board in 1997.

STEPHEN RAYMOND

Stephen Raymond is a full-time arbitrator and mediator. He is a graduate of the University of Western Ontario holding a B.A. (Political Science, 1986) and a LL.B. (1989). After his call to the Bar in 1991, he practiced law primarily in the fields of labour and employment law. In 2000, he was appointed as a vice-chair of the Ontario Labour Relations Board. Since 2003, he has worked as a labour mediator/arbitrator and civil litigation mediator. His practice covers all types of disputes, including rights and interest, in both the public and private sector. He is a former executive member of the Ontario Bar Association Labour Law Section and is a member of that section, the ADR section and the Ontario Labour Management Arbitrators Association

MAUREEN SALTMAN

Arbitrator and Mediator with over 29 years' full-time experience in alternate dispute resolution in both the public and private sectors. Named permanent Labour Arbitrator for grievance arbitrations for companies and unions, including Bell Canada and CTEA; College Compensation and Appointments Council and OPSEU (Support Staff); TTC and ATU, among others. Instructor, University of Toronto, Centre for Industrial Relations (2007); frequent guest lecturer, speaker and seminar leader on labour relations and human rights issues.

BRIAN SHEEHAN

Brian Sheehan has been involved in the field of labour relations, employment and human rights law either as an advocate or as a mediator and arbitrator from 1985 to the present. Mr. Sheehan graduated from Osgoode Hall Law School in 1983 and was called to the Bar in 1985. He subsequently served as legal counsel for the Canadian Union of Public Employees for over twenty years. He is a graduate of the Ontario Ministry of Labour Arbitrator Development Programme and has been a mediator and arbitrator since April, 2007. Mr. Sheehan's arbitration and mediation practice covers all types of disputes, including rights and interest, in both the private and public sector. Mr. Sheehan is a part time member adjudicator at the Ontario Human Rights Tribunal. He is also an Unjust Dismissal Adjudicator pursuant to the provisions of the Canada Labour Code

BARRY STEPHENS

Barry Stephens has been a labour relations practitioner for more than twenty years. He started his career on the legal staff of CUPE, where he also worked as a union rep and educator. He went on to work for the Southern Ontario Newspaper Guild before becoming a labour relations consultant. In the latter role he worked with a number of unions throughout the province, mainly in grievance arbitration as nominee and counsel, where he developed an interest in mediation and arbitration. Prior to becoming a full time arbitrator he served as the senior labour relations advisor to the Air Canada Pilots Association. Barry has been working as a neutral adjudicator since September 2000.

MARY LOU TIMS

Mary Lou Tims is a graduate of Queen's University (B.A. 1980, LL.B. 1983) and was called to the Bar in 1985. She practiced labour and employment law first in a Toronto law firm, and later as in-house counsel and as a solicitor for the OLRB. She has been a labour arbitrator and mediator since 1993, and has been a Vice-Chair of the Grievance Settlement Board since October 1999.

MICHAEL V. WATTERS

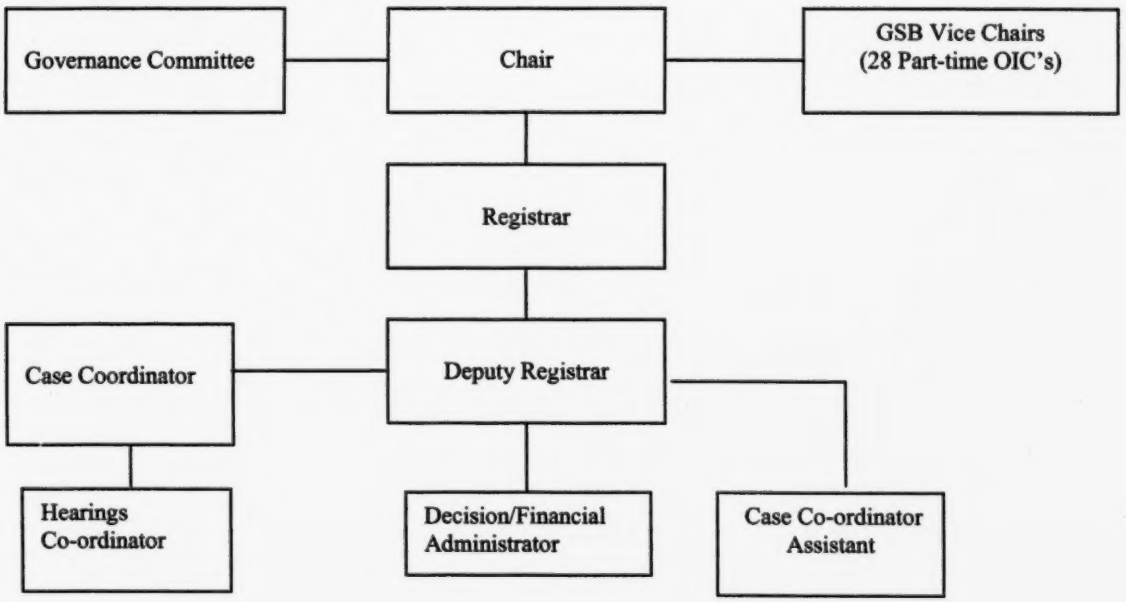
Michael Watters is a graduate of the University of Windsor (Honours B.A. and LL.B.). He was called to the Ontario Bar in 1977. From 1977 through 1986, Michael practiced law at Legal Assistance of Windsor, a joint project of the University of Windsor and the Ontario Legal Aid Plan. In the same period, he lectured at the Faculty of Law in areas of Landlord-Tenant Relations, Law and Social Issues, Legal Research and Writing, and The Lawyering Process (interviewing, counselling and negotiating). Since 1986, Michael has served as a full-time Arbitrator of disputes arising under the Labour Relations Act, the Hospital Disputes Arbitration Act, and the Canada Labour Code. He has served as a Vice-Chair of the Grievance Settlement Board since 1987.

THE REGISTRAR

CAROLINE GOODWIN

Caroline has in excess of 20 years as an administrator in the labour relations field. Caroline commenced her OPS career with the Grievance Settlement Board and has demonstrated her skills and knowledge in positions of progressive responsibility. She has broadened her horizons through secondments with the Ministry of Labour, Finance and Administration Branch; Human Rights Tribunal of Ontario and the Pay Equity Hearings Tribunal.

Organization Chart – GSB



3. OVERVIEW OF ACTIVITIES

GSB Mission Statement

To provide expeditious and appropriate dispute resolution services for grievances arising out of the collective agreements between Crown employers and bargaining agents representing Crown employees in order to resolve disputes and promote harmonious labour relations in the Ontario Public Service.

Overview of Programs and Activities

The Grievance Settlement Board provides dispute resolution services to the Ontario Public Service and its unionized employees represented by Ontario Public Service Employees Union, Association of Management Administrative and Professional Crown Employees of Ontario and Professional Engineers Government of Ontario, as well as to the Liquor Control Board of Ontario and, the Workplace Safety and Insurance Board and the Canadian Union of Public Employees, the Metro and Ottawa Convention Centres and the United Steelworkers of America, Labourers' International Union of North America - Local 506, Canadian Health Care Workers' Union, UNITE HERE Ontario Council, Local 75 and Go Transit and the Amalgamated Transit Union, International Association of Machinists and Aerospace Workers, District Lodge 78.

Mediation continues to be the manner in which the large majority of grievances are resolved. Different workplaces have developed their own protocols and practices for mediation. Vice Chairs have developed in-depth knowledge about various workplaces, which has allowed them to be particularly effective in resolving workplace problems. The consensual appointment process, whereby the parties mutually agree upon which Vice Chair will mediate or arbitrate any particular grievance allows the parties to benefit from the particular skills and knowledge of individual Vice Chairs.

Because of its ongoing relationship with the parties, the Board is in a position to provide educational programs, which are designed for their particular requirements of the parties. In addition to the enhanced understanding of substantive and procedural matters, many of those who attended the Board's educational conference this year commented on the value of the forum for enhancing their understanding of the views of the "other side" and the interest that both labour and management share in a fair, balanced and responsive dispute resolution process.

The Board worked closely with the parties to develop and deliver a joint training session in September 2009, for OPSEU and MCSCS. Topics included labour relations transformation and effective dispute resolution/interest based dispute resolution/creating and reinforcing an environment of effective dispute resolution. Discussions were lead by the Bargaining Agent/Employer and GSB Vice Chairs.

As well, the Board held a conference for its parties at the Metro Convention Centre on February 25, 2010. The conference attracted 202 participants. The focus of the conference was diversity/inclusion and the agenda included joint discussions based on scenarios as well as presentations from academics, legal practitioners and representatives of the parties.

Grievance Settlement Board

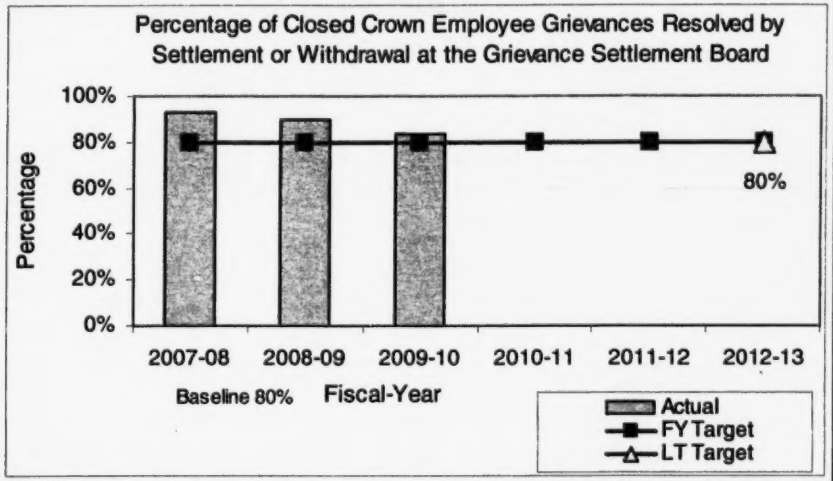
TOTAL # OF GSB FILES FOR FISCAL 2007-2008		
APRIL:	274	70.19 % increase
MAY:	400	29.87 % increase
JUNE:	169	59.18 % decrease
JULY:	193	14.22 % decrease
AUGUST:	425	86.40 % increase
SEPTEMBER:	147	36.09 % decrease
OCTOBER:	197	32.99 % decrease
NOVEMBER:	633	221.32 % increase
DECEMBER:	241	27.51 % increase
JANUARY:	485	121.46 % increase
FEBRUARY:	373	5.67 % increase
MARCH:	426	33.54 % increase
TOTAL:	3963	26.33 % increase
Average	*330*	

TOTAL # OF GSB FILES FOR FISCAL 2008-2009		
APRIL:	475	73.36 % increase
MAY:	324	19.00 % decrease
JUNE:	270	59.76 % increase
JULY:	404	109.33 % increase
AUGUST:	315	25.88 % decrease
SEPTEMBER:	304	106.80 % increase
OCTOBER:	366	85.79 % increase
NOVEMBER:	254	59.87 % decrease
DECEMBER:	175	27.39 % decrease
JANUARY:	356	26.60 % decrease
FEBRUARY:	218	41.55 % decrease
MARCH:	510	19.72 % increase
TOTAL:	3971	0.20 % increase
Average	*331*	

TOTAL # OF GSB FILES FOR FISCAL 2009-2010		
APRIL:	237	50.11 % decrease
MAY:	370	14.20 % increase
JUNE:	431	59.63 % increase
JULY:	233	42.33 % decrease
AUGUST:	232	26.35 % decrease
SEPTEMBER:	254	16.45 % decrease
OCTOBER:	267	27.05 % decrease
NOVEMBER:	330	29.92 % increase
DECEMBER:	201	14.86 % increase
JANUARY:	294	17.42 % decrease
FEBRUARY:	272	24.77 % increase
MARCH:	329	35.49 % decrease
TOTAL:	3450	13.12 % decrease
Average	*288*	

APPENDIX A - OUTCOME PERFORMANCE MEASURE

Percentage of Closed Crown Employee Grievances Resolved by Settlement or Withdrawal at the Grievance Settlement Board



Agency Contribution

- Through the services of highly skilled arbitrators/mediators and the proactive work of the Board with its clientele in resolving disputes through mediation rather than arbitration.

Program/Activity Spending Measured

- Provides effective and cost-efficient resolution of disputes within the OPS, which contributes to a productive, efficient and accountable workplace.

What does the graph show?

- The graph shows that for the current year 84% of closed Crown employee grievances were resolved by settlement or withdrawal at the GSB.
- The source is from the GSB Case Management System.

2009-10 Commitment and Long-term Target

- Maintain a commitment of 80% of closed cases by settlement or withdrawal

2009-10 Achievement

- 84% of closed grievances were resolved by settlement or withdrawal.

APPENDIX A (Continued) - 2009/2010 PERFORMANCE MEASURES

	Performance Measures	Standards/Targets	2009/2010 Commitments	2009/2010 Achievements
Grievance Settlement Board	Percent of grievances disposed of by settlement or withdrawn	80% of grievances disposed of by settlement or withdrawn	80% of grievances disposed of by settlement of withdrawn	84% of grievances disposed of by settlement or withdrawn
	Timeliness of decisions released by the GSB	80 % of decisions released within 90 days of completion of hearing.	80% of all decision released within 90 days from the completion of hearing.	91% of decisions released within 90 days of completion of the hearing.
	Percent of decisions judicial reviews upheld by the courts.	100% of decisions upheld by the courts.	100% of decisions upheld on judicial reviews.	One decision is still pending before the courts.

APPENDIX B - BUDGET

GRIEVANCE SETTLEMENT BOARD - Financial Report for Annual Report – Fiscal Year 2009/2010

All Figures in $000.0 thousand

	Final Allocation	2009/10 Actuals	Variance	% Variance
Salaries & Wages	426.8	399.3	27.5	*6.4%*
Benefits	63.5	49.7	13.8	*21.7%*
ODOE				
Transp. & Comm.	176.4	159.0	17.4	*9.9%*
Services **(including lease)**	2,073.4	1,834.4	239.0	*11.5%*
Supplies & Equipment	23.2	12.8	10.4	*44.7%*
Total ODOE	**2,273.0**	**2,006.2**	**266.8**	***11.7%***
Total Operating	**2,763.3**	**2,455.3**	**308.0**	***11.1%***
Recoveries	*(1,386.2)*	*(1,104.4)*	*(281.8)*	*20.3%*
Net Operating Budget/Exp.	**1,377.1**	**1,350.9**	**26.2**	***1.9%***
Non-Tax Revenue	**2009/10 Actuals**			
Reimb - Employer Share	214.0			
Reimb - Union Share	1,189.8			
Non-Specified	0.0			
TOTAL	**1,403.8**			

The actual expenditures of the Grievance Settlement Board are 100% recoverable through journal entries issued to ministry (employer) clients recorded as Expenditure REFUND; and through invoices issued to Crown Employers recorded as REVENUE. The Public Service Grievance Board expenditures of $160,757 are included in the actuals total above.

4. GOVERNANCE COUNCIL

Pursuant to Section 47 of the *Crown Employees Collective Bargaining Act* the Crown employers and the Unions representing Crown employees have entered into several agreements. The Governance Agreement establishes Governance Council to administer the agreement of the employers and the trade unions. The Chair of the Board serves as Chair of the Governance Council. The Governance Council, subject to CECBA, exercises the authority as provided for in the Governance Agreement. The Governance Agreement also establishes a sub-committee known as the Financial Advisory Committee to consider and review the financial and administrative costs of the Board.

> Subsection *47(1)* states that "Subject to the specific requirements in this section, the composition and administration of the Grievance Settlement Board shall be determined by the agreement of the Crown in right of Ontario and the trade unions representing Crown employees...".

For this purpose the Crown and the trade unions have entered into an agreement known as the "Partnership Agreement To Facilitate the Governance of the Grievance Settlement Board", hereinafter referred to as the "Governance Agreement", attached hereto "A Framework for the Appointment and Reappointment of Vice Chairs, also attached hereto, (hereinafter referred to as the "Appointment Agreement").

The mandate of the Governance Council is, in conjunction with the Chair, to discuss and determine the following:

(a) the administration of the Board, including all matters necessary for the fair, and expeditious resolution of disputes.
(b) the appointment of Grievance Settlement Officers,
(c) the appointment of Members, Vice-Chairs and a successor to the Chair in accordance with Section 47(4) of CECBA and the Appointment Agreement.
(d) the inclusion of other unions and employers who may, in the future, come within the jurisdiction of the Board.
(e) the creation and tasking of any sub-committee that may be necessary including the Financial Advisory Committee.
(f) Any other matters pertaining to the role and function of the Board which the parties feel is appropriate.

The Governing Council meets quarterly subject to the call of any special meetings in accordance with the Governance Agreement. The Financial Advisory Committee also meets quarterly, subject to the call of any special meeting in accordance with the Governance Agreement to consider and review the financial and administrative costs of the Board. The Financial Advisory Committee may make recommendations to the Governance Council.

The Governance Council makes its decisions based on consensus of the members. The Chair of the Board in his/her capacity as Chair of the Governance Council will try to achieve consensus of the members in the exercise of the Council's decision-making powers, where possible. In the absence of a consensus, the Chair will determine the issue.

5. PARTNERSHIP AGREEMENT

PARTNERSHIP AGREEMENT TO FACILITATE THE GOVERNANCE OF THE GRIEVANCE SETTLEMENT BOARD

The parties agree to the establishment of a Governance Council for the Grievance Settlement Board in accordance with the following framework and principles.

Further, the parties also agree to the establishment of a Financial Advisory Committee as here after described.

SECTION 1
The Governance Council

(1) The Governance Council (GC) shall in conjunction with the Chair of the GSB discuss and determine the following:

(a) all matters necessary for the fair, effective, and expeditious resolution of disputes.

(b) the appointment of Grievance Settlement Officers, Nominees and Vice Chairs in accordance with the policies set out for such appointments.

(c) the general administration of the Grievance Settlement Board.

(d) the incorporation of other employee organizations and employers who may, in the future, be added to the GSB including their cost share, representation, duties and responsibilities.

(e) the creation and tasking of any sub committees that may be necessary including the Financial Advisory Committee.

(f) any other matter pertaining to the role and function of the GSB which the parties feel is appropriate.

(2) The Governance Council shall be composed of an equal number of representatives from the Unions and the Employers. Notwithstanding this provision each Council member, at Council meetings, may be accompanied by such advisory persons as he/she may determine.

(3) The Governance Council shall meet quarterly, however any party may request a special meeting which shall be called by the Chair within ten (10) days of such request.

(4) The Chair or his or her designee shall ensure that the agenda for any Council meeting is sent to the parties no less than seven (7) days prior to the scheduled meeting date.

(5) The Chair or his or her designee shall ensure that the parties receive full disclosure of information relating to the agenda items to be discussed.

(6) The Chair or his or her designee shall ensure that the decisions and recommendations of the Council are recorded and that such minutes are distributed to the parties for review and correction.

(7) In the event that a vote be required for the resolution of matters under discussion such vote shall be conducted in accordance with the following:

(a) Each party shall have one (1) vote, however the votes cast shall be weighted in the following manner:

EMPLOYERS	VTS	BARGAINING AGENTS	VTS	EMPLOYEES COVERED
Management Board (for OPS)	89	OPSEU	89	45,000
Management Board (for AMAPCEO)	28	AMAPCEO	28	7,000
LCBO	24	OLBEU	24	6,000
WSIB	16	CUPE - 1750	16	4,000
GO Transit	7	ATU – 1587	7	1,000
Metro Tor. Con. Cnt.	6	Labourers' (506) Brewery,Professional And General Workers Union	5 1	829 32
Management Board (for PEGO)	4	PEGO	4	450
Ottawa Con. Cnt.	4	USWA (8327) USWA (9597)	3 1	350 12
	178		178	

(b) For the passage of any matter which may result in a financial liability to the parties and/or the GSB a majority totaling at least sixty-six percent (66%), in accordance with the weighted points set out above, must exist within the Employer group (118 of 178), the Union group (118 of 178) and across the total Council (236 of 356).

(c) For the resolution of any other matter a majority totaling at least fifty-one percent (51%) shall be required, in accordance with the weighted points set out above, within the Employer group (91 of 178), the Union group (91 of 178) and across the total Council (182 of 356).

(d) In the event of a tied vote under (b) or (c) above, the Chair or his or her designee shall vote and the vote so cast shall decide the matter.

(e) To cast a vote a party must attend the meeting during which such vote is to be cast.

SECTION 2
The Financial Advisory Committee

(1) The parties agree that a Financial Advisory Committee (FAC) shall be established.

(2) The FAC shall be composed of an equal number of representatives from the Unions and Employers. Notwithstanding this provision each Committee member may be accompanied at Committee Meetings by such advisory persons as he/she may desire.

(3) The FAC shall consider and review the financial and administrative costs of the GSB. As the result of such review and consideration the Committee may make recommendations to the Governance Council.

(4) The FAC shall meet quarterly however any party may request a special meeting which shall be called by the Chair or his or her designee within ten (10) days of such request.

(5) The regular meetings of the FAC shall be scheduled at about the time that billings are issues by the GSB to the parties.

(6) The Chair or his or her designee shall ensure that the agenda for any FAC meeting is sent to the parties no less than seven (7) days prior to the scheduled meeting date.

(7) The Chair or his or her designee shall ensure that the parties receive full disclosure of information relating to the agenda items.

(8) The Chair or his or her designee shall ensure that the decisions and recommendations of the FAC are recorded and that such minutes are distributed to the parties for review and correction.

6. FRAMEWORK FOR THE APPOINTMENT AND RE-APPOINTMENT OF VICE CHAIRS

GOVERNANCE COUNCIL

FRAMEWORK FOR THE APPOINTMENT AND REAPPOINTMENT OF VICE CHAIRS

The following policy shall be adopted by the parties to facilitate the orderly appointment and reappointment of Vice Chairs to the Grievance Settlement Board.

GENERAL

(1) The Grievance Settlement Board shall retain a sufficient roster of Vice Chairs to permit the timely adjudication of grievances submitted by the parties.

(2) The Chair of the Grievance Settlement Board shall, in accordance with the following framework, assure that the necessary number of Vice Chairs are included on the Grievance Settlement Board roster.

(3) Nothing in this framework prevents parties, on an informal basis, from the preferential use of particular Vice Chairs. Such preferences shall be accommodated whenever possible by the Registrar and staff of the Grievance Settlement Board. The parties must, in advance indicate their preference(s) to the Registrar.

APPOINTMENT PROCEDURE

(1) The Chair of the Grievance Settlement Board, on an annual basis (date to be established) shall assess the roster with the view to retaining an appropriate number of Vice Chairs on the roster.

(2) Should additional appointments be required the Chair shall:

a) review for the purposes of qualifications and suitability the resumes of any arbitrators who have formally indicated their interest in hearing Grievance Settlement Board grievances; who have been recommended by any of the parties; or who have been recruited by the Chair to complete the required roster,

b) present the appropriate arbitrator nominees to the members of the Governance Council at least thirty (30) days prior to the date upon which the matter of appointments is to be discussed, and

c) ensure that the resumes for each arbitrator nominee is included in such notice.

(3) Arbitrators so recommended shall be appointed provided a simple majority of votes approves the nomination on both the Union and the Employer side.

(4) The arbitrators so approved shall at the appropriate time, as determined by the Chair, have their names submitted to the Ministry of Labour for the processing of applicable Order-in-Council.

REAPPOINTMENT PROCEDURE

(1) The Chair of the Grievance Settlement Board, prior to the expiration of the Order-In-Council appointment of an existing Vice Chair(s) shall review the performance of such Vice Chair(s) with the view to recommending his/her subsequent reappointment. The Chair in such review shall consider all relevant aspects of the Vice Chair's adjudicative performance.

(2) The Chair shall, on an ongoing basis, receive the comments of all parties as to the performance of existing Vice Chairs and shall consider such comments when making his recommendation to reappoint. The Chair shall also discuss the concerns of parties with such Vice Chair(s) during the period of his/her Order-In-Council appointment so as to resolve any such concerns. The parties acknowledge an obligation to discuss their concerns with the Chair in a timely manner.

(3) The Chair shall recommend reappointment unless cause exists to deny such recommendation.

(4) The Chair shall present his/her recommendation to the members of the Governance Council at least thirty (30) days prior to the date upon which the matter of reappointments is to be discussed.

(5) Vice Chairs so recommended shall be reappointed unless a simple majority of votes on either the Union and the Employer side opposes such reappointment.

(6) It is understood that the Chair should assess Vice Chairs for reappointment in advance, so that sufficient reappointments can be processed on an annual basis for the coming year.

The parties to the Grievance Settlement Board agree to the above stated policy effective June, 1999.

FOR THE EMPLOYERS

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FOR THE UNIONS

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